

ROBINSON & COLE

SDMS DocID 559331



LAW OFFICES

ONE COMMERCIAL PLAZA
HARTFORD, CONNECTICUT 06103-3597
203-275-8200

FINANCIAL CENTRE
POST OFFICE BOX 10305
STAMFORD, CONNECTICUT 06904-2305
203-964-1200

TELECOPIER HARTFORD 203-275-8299
TELECOPIER STAMFORD 203-359-8576
TELEX BOTH OFFICES 99-4407

PLEASE REPLY TO HARTFORD

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER: 559331

September 13, 1988

Mr. Paul Marchessault
U.S. Environmental Protection Agency
P. O. Box 3409
Reston, VA 22091

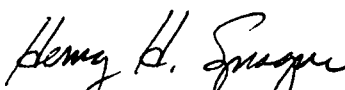
Re: Request for Information Pursuant to Section 104 of CERCLA
and Section 3007 of RCRA for the Coakley Landfill Site in
North Hampton, New Hampshire

Dear Mr. Marchessault:

I am enclosing the affidavit of Mr. Joseph P. Cavanaugh, of Maxwhale Corporation, in response to the above-referenced request for information. As you can see from the contents of the affidavit, Maxwhale Corporation has acquired some of the assets of both Callahan Oil and Coleman Oil as a result of a series of transactions. However, Maxwhale does not, and has never, owned any interest in either of these two companies, nor has it ever been involved in their operation. It is our client's position, therefore, that Maxwhale is not a proper subject for investigation as a potentially responsible party under either CERCLA or RCRA.

If you have any questions regarding this response, please do not hesitate to contact me.

Very truly yours,


Henry H. Sprague

HHS:dd
Enclosure
cc: Jeremy Firestone, Esq.
Joseph P. Cavanaugh, Esq.
Earl Phillips, Esq.

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

J.F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

COAKLEY LANDFILL SITE
Callahan Oil Company
Coleman Oil Company

:
:
:
:

AFFIDAVIT OF
Joseph P. Cavanaugh

I, Joseph P. Cavanaugh, being duly sworn, say:

1. I have been employed by Maxwhale Corporation, located at Davenport Street, in Stamford, Connecticut, as Vice President since July 1987.
2. In such capacity, I have been responsible for the general administration of the company.
3. On or about August 22, 1988, I received a request for information from Merrill S. Hohman, Director, Waste Management Division, Region I of EPA, regarding the above-captioned site.
4. To the best of my knowledge and belief, the following facts are provided with regard to said request for information:

At some time prior to 1965, the Callahan Oil Company was purchased by Consolidation Coal Company, of Pittsburgh, Pennsylvania, a wholly owned subsidiary of Continental Oil of Ponca City, Oklahoma.

In 1969 or 1970, the Northeast Petroleum Company purchased the New England assets of Consolidation Coal Company, which may have included assets previously owned by Callahan Oil.

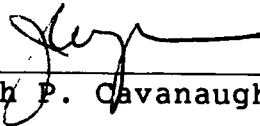
In the fall of 1977, Northeast Petroleum purchased some of the assets of the Coleman Oil Company.

In February of 1983, the Charter Oil Company purchased certain assets from the Northeast Petroleum Company. Some of those assets may have been owned previously by either Coleman Oil or Callahan Oil.

In November 1983, the Whale Oil Corporation of New England purchased certain assets of the Charter Oil Company. Again, some of these assets may have been owned previously by Callahan Oil or Coleman Oil.


Finally, in July of 1987, Maxwhale Corporation purchased certain assets of Whale Oil Corporation.

Maxwhale has never owned, and does not now own, any interest in either Coleman Oil or Callahan Oil, nor has Maxwhale ever been involved in the operation of either Company.



Joseph P. Cavanaugh

Subscribed and sworn before me on *Sept 9, 1988*



Notary Public
My Commission Expires:
Commissioner of Superior Court

**ROSANNE MEDEO
NOTARY PUBLIC
My Commission Expires
March 31, 1991**